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MEMO ENDORSED

Hon. Colleen McMahon
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Oakley et. al. v. Verizon Communications, Inc. et al.,
09 Civ. 9175 (CM) (MHD)

OK
Colleen McMahon
10/13/11

Dear Judge McMahon:

I represent plaintiffs in the above-referenced action. On October 4, 2011, I wrote to the court requesting permission to submit a reply brief on plaintiffs' motion for class certification with a maximum of 25 pages. I am in receipt of your Memo of today's date approving a reply brief of 15 pages. I write this letter to request a reconsideration of my earlier request to file a 25-page brief.

On October 4, when I first made the request, I was not aware that your Honor was out of the country until October 11, 2011, which was the same day that plaintiffs' reply papers were due. Because we did not want to miss the filing deadline – which was court ordered – we filed plaintiffs' reply papers (under seal) on October 11, 2011. Our brief was 25 pages.

We felt that it was necessary to file a 25-page brief because so many issues had to be addressed. Plaintiffs are challenging nine FMLA policies and practices implemented by the defendants during the period in question. Class discovery in this case extended for over one year.

The parties conducted more than 50 depositions and exchanged more than 150,000 pages of documents. In their opposition to plaintiffs' class certification motion, defendants submitted a 50-page brief, five declarations and a total of 73 exhibits. Class certification was challenged on numerous grounds, including a challenge to the legal merit of some of the plaintiffs' claims.

Candidly, it was an effort for us to limit plaintiffs' reply brief to 25 pages, and still adequately discuss all of the issues involved in this case. I am sorry for the bad timing of our original request. However, I again request that plaintiffs be permitted to file a 25-page reply brief.

Thank you for your consideration of this request.

Very truly yours,



Daniel E. Clifton

cc: Lorie E. Almon, Esq.
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